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Via Electronic Submission

February 12, 2014

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Portals II, Room TW-A325
Washington, DC 20554

Ex Parte Submission

RE: Petition for Rulemaking Filed by AT&T To Make 800 Cellular Base Station Power Rules Consistent with Rules for Other Mobile Broadband Services, RM 11660;

AT&T Request for Waiver to Permit Power Spectral Density Model for 800 MHz Cellular Operations in Three Florida Markets, WT Docket No. 13-202

Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Areas WT Docket No. 12-40, RM-11510

Dear Ms. Dortch:

On February 10, 2014, Joan Marsh, Michael Goggin, Kimberly King, Jeanine Poltronieri, Robert Vitanza (via telephone), Doug Duet (via telephone) and the undersigned met with Roger Sherman, John Leibovitz, Roger Noel, Lloyd Coward, Michael Ha, Ira Keltz, Brian Marenco, Brian Regan, Moslem Sawez, Nina Shafran, Gabriel Ubieta, Denise Walter and Michael Wilhelm of the Federal Communications Commission to ask the Commission to issue an Order adopting a geographic licensing scheme as proposed by the industry coalition with a limited FNPRM on open issues, move expeditiously to issue an NPRM and then an Order on AT&T's request for a rule change to allow a power spectral density power limit ("PSD") in the 800 MHz cellular band, and approve AT&T's South Florida Waiver Request as soon as any remaining issues have been addressed. AT&T noted that CTIA's petition for new cellular licensing rules and AT&T's petition for rule changes that would allow PSD in the cellular band have been pending for years, and should be acted upon expeditiously. A copy of the handout provided to the Commission staff at the meeting is attached.

AT&T pointed out that significant progress has been made in the cellular rule reform docket since CTIA first filed the Petition for Rule Change in 2008. In April 2013, CTIA,

RWA and NTCA (“the Coalition”) first presented its consensus approach that would convert all currently authorized CGSAs to geographic licenses and allow carriers to claim unserved areas of greater than 50 square miles under existing Phase II procedures. This proposal was elaborated upon by the Coalition in the November 15, 2013 ex parte letter in WT Docket No. 12-40. The Bureau can move immediately to an Order adopting geographic licenses with an FNPRM on open issues, if necessary, and at a minimum, adopt an interim waiver of the requirement to file minor modifications that do not change the CGSA during the pendency of this FNPRM.

AT&T explained that the Commission could proceed with these changes to the cellular licensing rules independently of the PSD issue. PSD can be implemented under either the current cellular licensing rules or the new rules for geographic licenses. Once the current CGSAs are converted to geographic licenses, AT&T will maintain the power limits at border sites as needed to maintain the current SAB. To the extent AT&T desires changes to the SAB, it can negotiate extension agreements with its neighbors, operate in unserved area on a secondary basis, or file Phase II applications.

AT&T also argued that the standard for consideration of its PSD Petition should be the same standard adopted by the Commission in a recent Order on a Petition filed by Sprint seeking a rule change for their 800 MHz SMR licenses. In its Petition, Sprint sought increased channel bandwidth in SMR Services to allow the use of a more advanced wideband technology. In determining whether to grant the proposed rule change, the Commission considered whether public safety licensees would be “subject to increased harmful interference when EA-based 800 MHZ SMR licensees comply with or exceed the [current] protections . . .”¹ In resolving this question, the Commission found Part 90 contained sufficient protection for public safety licensees in the event of harmful interference and that “absent information showing that 800 MHz public safety licensees will experience harmful interference *as a result of the rule change (ital. added)*, and such interference will result in significant costs,” the measures available to public safety in Part 90 were sufficient.²

In AT&T’s PSD Petition, filed over two years ago, AT&T presented an engineering analysis demonstrating that public safety will not experience increased harmful interference as a result of the requested PSD rule change. Since that time, no entity has submitted any engineering data or analyses controverting that conclusion, either during the comment cycle on the Petition itself or in connection with a pending waiver for South Florida. In any event, the proper vehicle to more fully explore such issues is an NPRM. Thus, AT&T encouraged the Bureau to promptly move forward with an NPRM which

¹ Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees Request for Declaratory Ruling that the Commission’s Rules Authorize Greater than 25 kHz Bandwidth Operations in the 817-824/862- 869 MHz Band, *Report and Order*, WT Docket No. 12-64, WT Docket No. 11-110, 27 FCC Rcd 6489, 6500 (2012).

² *Id.*

Ms. Dortch
February 12, 2014
Page 3

could be followed quickly by an Order resolving the matter consistent with the standard articulated in the Sprint Order.

AT&T further noted that the PSD rule change is essential to the efficient deployment of LTE over cellular spectrum. Spectral efficiency has long been a Commission priority, particularly given the spectrum constrained environment in which all carriers currently operate. The PSD rule change requested here will eliminate barriers to efficient deployment of advanced wireless technologies, will promote spectrum efficiency and will improve regulatory parity between commercial wireless licensees, all to the benefit of wireless broadband consumers. These same benefits were the basis of the Commission's decision in the Sprint Order.

In accordance with section 1.1206(b)(2) of the Commission's rules, this letter is being filed electronically with your office. Please feel free to contact me if you have any questions.

Sincerely,



Attachment

cc: Roger Sherman
John Leibovitz
Roger Noel
Lloyd Coward
Michael Ha
Ira Keltz
Brian Marenco
Brian Regan
Moslem Sawez
Nina Shafran
Gabriel Ubieta
Denise Walter
Michael Wilhelm



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CGSAs and PSD

A Path Forward

Current Cellular Rules

- The cellular license area (i.e. the CGSA) is comprised of 32 dBu SAB of border sites.
- Filings are required for changes to border sites even if the CGSA is not impacted and even for technical changes, such as antenna model or antenna height.
- Unserved area of ≤ 50 square miles can be served on a secondary basis.
- Unserved area can be added to CGSA or used to create new systems > 50 square miles via Phase II filing.



Cellular Licenses are Already Largely Built to Commission Standards

- Current standard for a CMAS build is to 70% of geography (ex. 700 MHz A and B);
- Cellular licenses largely already meet or exceed that standard:

<u>Coverage</u>	A Block	B Block
CMAs 100% covered	516	510
CMAs \geq 95% covered	637	626
CMAS \geq 70% covered	716	714
CMAS \geq 70% covered	98%	97%

* **733 CMAs reviewed (excludes the Gulf of Mexico)**

- Harmonizing cellular licenses does not require extraordinary rules to protect unserved areas when such rules are not imposed by the Commission in other bands.



The April 2013 Consensus Approach (CTIA, RWA, NTCA)

- Turn all currently authorized CGSAs into geographic licenses, meaning site-specific license filings no longer required except as noted below.
- Any unserved area of 50 square miles or less bordered by only one incumbent becomes part of the geographic license.
- Unserved areas bordered by more than one incumbent could be allocated per written agreement by all adjacent incumbents.
- Remaining unserved areas greater than 50 square miles could be claimed under existing Phase II procedures.
- Unserved areas can also be served on a secondary basis with no filings required.



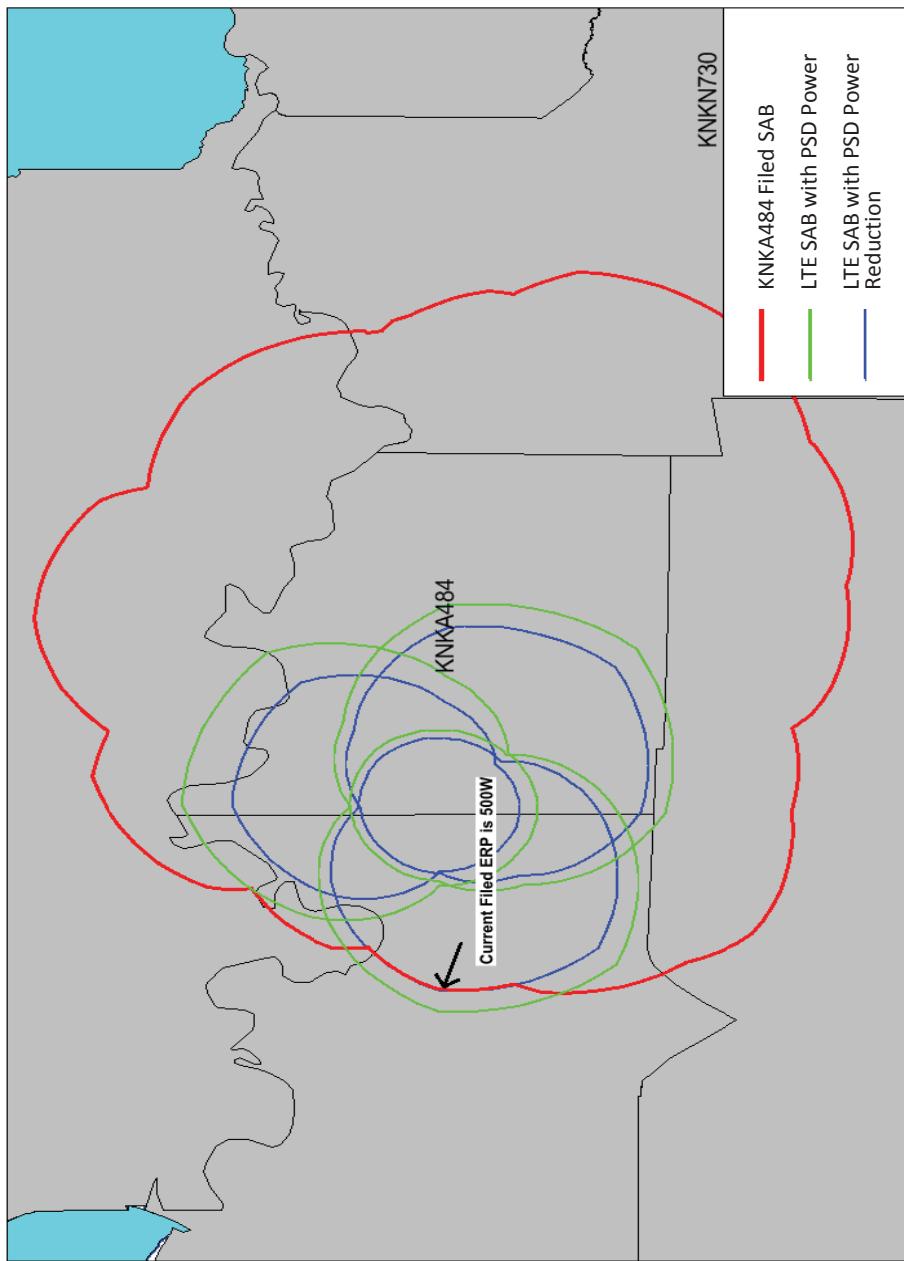
The CGSA Issue can be resolved independently of the PSD Issue

- The CGSA formula has been frozen for approximately two decades – it has not been updated to reflect the migration from analog to digital or to reflect the adoption of new technologies, including UMTS, HSPA or LTE;
- The primary benefit of the PSD limit will be obtained within the geographic license – more LTE capacity; better thru-put; better structural penetration; greater spectral efficiency;
- Adjustments to the PSD limit would not require adjustments to geographic licenses, which would be governed by field strength limits:
 - Carriers can use lower power at the edges to comply with their geographic licenses where necessary;
 - Any incursions into unserved areas can be served on a secondary basis;
 - If the new area served is greater than 50 square miles, the Commission can require the carrier to claim the area pursuant to existing Phase II procedures;
- Carriers will be required to coordinate with any adjacent carriers in any event.



PSD can be implemented under current CGSA rules or geographic licenses

- AT&T will calculate the SAB based on the formula defined in 47 CFR §22.911 (a)
 - To meet FCC rules, AT&T will manage power levels to maintain the current SAB.
 - AT&T will continue to negotiate extension agreements with neighboring carriers as required.



PSD Rule Change -- Protections for Public Safety

- An 800 interference website was established under Section 90.674 of the Commission's regulations:
 - Any FCC licensed operator of an 800MHz radio device, typically public safety, critical infrastructure industries, and business, industrial and land transportation 800 MHz licensees, can use the site to report interference.
 - Representatives from the carriers will respond within 24 hours for interference reports made by public safety and critical infrastructure industries via the telephone number provided and within 48 hours for all others.
- During the interference reporting process a meeting will be scheduled to investigate the issue.
 - Licensees are required to initiate action within 48 hours of the complaint.
 - The commission found in the Sprint Order that these measures were sufficient to protect public safety interests.



It's Time for Progress – Proposals:

- The Bureau can temporarily waive the requirement to file minor modifications that do not change the CGSA;
- The Bureau can move immediately to an Order adopting a geographic licensing scheme with a limited Further Notice on open issues if necessary;
- The Bureau can move immediately to an NPRM on the PSD issues:
 - AT&T will submit information regarding its testing in South Florida;
 - That NPRM will allow parties to submit technical information on interference concerns.

